TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 •FAX 772-4709
www.exeternh.gov

August 15, 2013

US EPA
5 Post Office Square – Suite 100
Mail Code – OEP06-1
Boston, MA 02109-3912
Attn: Newton Tedder

RE: Comments to the 2013 Draft MS4 NPDES Permit

Dear Mr. Tedder:

The Town of Exeter, NH is located where the fresh water Exeter River meets the tidal Squamscott River which is a primary tributary to the Great Bay. Exeter's rivers and streams play an important role in the community. Exeter River is a source of drinking water for the town. Exeter's many waterways support a wide variety of plant and animal life and recreational opportunities for the community. Achieving good water quality is a goal this community works on a daily basis. Exeter has and continues to work hard to meet the requirements of the 2003 Small MS4 NPDES permit.

On behalf of the Town of Exeter, please accept the following comments on the proposed 2013 Draft MS4 NPDES Permit issued on February 12, 2013.

Exeter has a strong Outreach and Education Program however, the new requirement to assess/evaluate the effectiveness of the messages is daunting. EPA and NHDES have professional outreach employees. We suggest that these professionals provide a list of recommended methods for program evaluation/assessment.

Overall, the IDDE Screening requirements are well done and the use of field kits for sampling is an improvement. It has been difficult to identify sampling equipment which is approved for stormwater sampling. It would be beneficial to New Hampshire communities if EPA or NHDES could provide a list of approved sampling kits and meters for use in our stormwater programs. Additionally, if the EPA or NHDES could establish a contract with an approved supplier then communities could purchase equipment at a reduced cost and be insured they were purchasing the appropriate field kits and sampling equipment.

Section 2.1.1.c establishes the requirement to remedy any conditions causing an exceedance of water quality standards within 60 days of a determination that our discharge is causing an exceedance. The section specifically spells out that the compliance clock begins to accrue immediately and continues until the source is remedied and that there is not a grace period. This coupled with the fact that we have to conduct dry weather sampling of all of our outfalls at the same time will put the Town into almost immediate non-compliance. Finding a high reading of a contaminant, conducting additional

sampling along the drainage system, dye testing of sewer and drain systems, smoke testing of sewer and drain systems and finally finding a potential source, then contacting the source, issuing notice to private source and providing time for the private source to remedy the issue, will take longer than 60 days. Older larger drainage systems could take 6 months or longer to find the illicit discharge.

Holding the Town immediately and legally responsible for the illegal acts of others who have illicit discharges into our system is not required in the storm water regulations. Given the statutory penalties required by the CWA as they compare to the statutory penalties that a NH community can impose on a violator; this creates a very unfavorable position for a local government to be placed in by this permit.

The Town of Exeter will be dealing with the Statewide Bacteria TMDL. Is there a method for the town to conduct water sampling over the course of the permit for possible removal of some streams listed as impaired under the statewide bacteria TMDL and other impaired waterways?

We question including sanitary sewer overflows (SSOs) as part of the Small MS4 permit. The Town already reports SSOs to the State and EPA. Because it is already covered in other regulations, we believe the additional tracking for this program is not necessary.

Will the nitrogen load reduction credits in Attachment 1 of Appendix H align with the phosphorus reduction credits in Attachment 2 of Appendix F, which includes various management measures, including catch basin cleaning, street sweeping, litter control, phosphorus control and fertilizers? EPA should allow the same provision for nitrogen load reduction credits as the phosphorus control measures allows for alternative methods to use for determining load credits.

We question the authority the town has to regulate chloride use and reporting for private properties.

Define the difference between the EPA's stormwater construction program and the MS4's Construction Site Stormwater Runoff Control Program.

Exeter has a low speed narrow parkway surrounded by green space which receives no pesticides or fertilizer. The roadway was built with a series of 2 catch basins with an outfall. If the town were to provide an approved BMP for the catch basins, such as inserts for oil and sediment, with a maintenance plan, could the outfall monitoring be waived? These outfalls will be extremely difficult to access.

Request additional meetings with EPA and NHDES for guidance as this permit moves forward.

Sincerely,

Russell Dean
Town Manager